

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ARTHUR HIRSCH,

Plaintiff,

v.

WILLIAM MATHEWS, et al.,

Defendants.

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Case No.: 5:10-cv-00134-MHH-HNJ

MEMORANDUM OPINION

On May 31, 2017, the magistrate judge then assigned to this case entered reports and recommendations concerning Mr. Hirsch's claims in this 28 U.S.C. § 1983 action. (Doc. 129; Doc. 130).¹ The magistrate judge advised the parties of their right to file written objections within fourteen days. (Doc. 129, pp. 36-37; Doc. 130, pp. 20-21). No party has filed objections to the magistrate judge's reports and recommendations.²

¹ Magistrate Judge Davis issued the reports that are pending before the Court. After Judge Davis retired, the Clerk assigned this case to Magistrate Judge Johnson. (Doc. 131).


² The Clerk mailed a copy of each report and recommendation to *pro se* plaintiff Arthur Hirsch at his last known address. (See May 31, 2017 staff note). In addition, when the Clerk reassigned this case to Magistrate Judge Johnson after Magistrate Judge Davis retired, the Clerk mailed a copy of the reassignment notice to Mr. Hirsch at his last known address. (See June 7, 2017 staff note). The copies of the reports and recommendations have been returned to the Court as has the notice of reassignment. The envelopes indicate that mail could not be delivered as addressed. (See June 12, 2017 staff entry; June 30, 2017 staff entry). To date, Mr. Hirsch has not provided the Court with an updated address. It is his obligation to do so.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

The Court finds no misstatements of law in the reports and no plain error in the magistrate judge’s description of the relevant facts. Therefore, the Court accepts the magistrate judge’s recommendation that the Court (1) enter judgment in favor of Officer Tracy Luna and Officer Terry Johnson with respect to Mr. Hirsch’s Fourth Amendment claims and state law claims for false arrest and false imprisonment (Doc. 130) and (2) dismiss the balance of Mr. Hirsch’s claims against the defendants (Doc. 129). The Court denies Mr. Hirsch’s motions to amend his complaint again (Docs. 100-102) because another amendment to the complaint would be futile.

The Court will enter a separate final order consistent with this memorandum opinion. The Court directs the Clerk to please mail a copy of this memorandum opinion to Mr. Hirsch at his address of record.

DONE and **ORDERED** this October 16, 2017.


MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE